

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff,

Case No. 21-cr-20282

v.

Hon. Terrence G. Berg

Ronald Frank Christian,

Defendant.

_____ /

**MOTION AND ORDER TO FILE EXHIBIT UNDER SEAL WITH
NONDISCLOSURE PROVISIONS**

The government is preparing to submit a trial brief in this case, and one of the issues raised concerns impermissible character evidence. Specifically, defense counsel has indicated that he plans to call a Detroit Police Officer to testify in the defendant's case-in-chief, and the government is aware of a pending disciplinary proceeding involving the officer. The government believes that the Court should either preclude questions about this disclosure entirely or, at a minimum, limit questions about the incident to minimize confusion of the issues and avoid misleading the jury.

In order to address this issue, the government would like to file a short letter

containing information regarding the pending disciplinary proceeding as a sealed exhibit to its trial brief (the government will then provide a copy of the sealed exhibit to defense counsel as well). Therefore, the government respectfully requests that it be permitted to file Exhibit 1 to its trial brief under seal, because the exhibit involves personal disciplinary information regarding a potential witness.

Further, the government requests that the Court order the following nondisclosure provisions until it can rule on the permissibility of such questioning:

1. Defense counsel may share the content of the sealed exhibit with the defendant only, and then only verbally, without further order of the Court;
2. Defense counsel and the defendant may not reveal the contents of the sealed exhibit to any other person, without further order of the Court;
3. The defendant may not retain a copy of the sealed exhibit nor may he take notes about the sealed exhibit, without further order of the Court;
4. Defense counsel may not provide a copy of the seal exhibit to anyone, including the defendant, without further order of the Court; and
5. Defense counsel must return any copies of the sealed exhibit to the government at the termination of this trial or on order of the Court,

whichever comes first.

Respectfully submitted,

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s/Hank Moon
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313-226-0220

IT IS SO ORDERED.

/s/Terrence G. Berg
Hon. Terrence G. Berg
United States District Judge

Entered: January 24, 2022